

REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1, 4-20, 23-31 and 34-43. No claims have been amended, added, or canceled. Hence, claims 1, 4-20, 23-31 and 34-43 stand pending for examination.

Claims 1, 4-20, 23-31 and 34-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 4,614,861 to Pavlov et al. (“Pavlov”) in view of the cited portions of U.S. Patent No. 5,764,766 to Spratte (“Spratte”), and further in view of the cited portions of U.S. Patent No. 5,731,575 to Zingher et al. (“Zingher”).

Rejections Under 35 U.S.C. § 103(a)

The Applicant respectfully traverses the rejection of all claims rejected under 35 U.S.C. § 103(a) since the Office Action has not established a prima facie case of obviousness with respect to any rejection. The cited references do not teach or suggest the claim elements and the Office Action has not provided a motivation that would lead one of skill in the art to combine the references to make the Applicant’s claimed invention.

Specifically, claim 1 recites, in part, “a seed-based data generation module . . . configured to generate an output datum . . . , wherein the output datum is a function of the input access code, and . . . wherein for at least one input access code not equaling said user’s access code, said seed-based data generation module generates an invalid output datum having said appearance of said user’s confidential datum.” The foregoing is not taught or suggested by any of the cited references. Pavlov, for example, appears to teach a device that outputs a user’s account number if a correct PIN is entered (col. 12, l. 30). This output is not a function of the access code. The account number is actually stored in the device and output upon successful entry of the PIN. Spratte also does not teach this. Spratte appears to teach using a “salt” and an encryption key to send encrypted messages. The salt is randomly-generated, so the output is not a function of the salt. More importantly, Spratte’s output is dependent on the stored ciphertext, contrary to the claim element “said generation of said output datum occurring without

dependence on any storage of any form of said at least a portion of said confidential datum.” Zingher is not cited for these elements and, in fact, does not teach them. Hence, the cited references do not teach or suggest these claim elements, and claim 1 is believed to be allowable for at least this reason.

Further, there exists no motivation to combine Pavlov and Spratte. Pavlov relates to a device for concealing an account number, Spratte relates to secure communication. One skilled in the art would not be motivated to combine these two references, since the references are directed to different areas of endeavor. The Office Action states that one would be motivated to combine the references because to do so would “create keys that meet export conditions, but are unique enough to make them difficult to hack.” The Applicant is unable to determine what this has to do with Pavlov. It appears that this motivation is based on hindsight reasoning provided by the Applicant’s specification. Hence, the stated motivation would not have lead one skilled in the art to combine these specific references, and claim 1 is believed to be allowable for at least this additional reason.

Moreover, the Office Action correctly states that neither Pavlov nor Spratte teach the generation of an invalid output datum having an appearance of the user’s confidential datum and credits Zingher with this teaching. But Zingher is directed to an entirely different endeavor from either Spratte or Pavlov. More importantly, the motivation cited by the Office Action has nothing do to with combining Zingher with Pavlov and/or Spratte to supply the missing elements. Again, the motivation appears to rely on hindsight reasoning provided by the Applicant’s specification, and claim 1 is believed to be allowable for at least this additional reason.

Further still, Zingher does not teach the missing elements. Zingher appears to teach a use for a false PIN, namely, summoning help and/or disabling a transaction. But Zingher does not teach producing this false PIN to look like the user’s confidential datum. Zingher’s false PIN exists and is not generated based on an invalid access code. Hence, claim 1 is believed to be allowable for at least this additional reason.

The remaining independent claims include elements similar to one or more of those discussed above and/or are rejected based on the combinations traversed above. Hence, all remaining claims are believed to be allowable, at least for the foregoing reasons.

Conclusion

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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